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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/275,941 03/25/99 SATO

K Q53788

EXAMINER

HM12/1108

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2100 PENNSYLVANIA AVENUE NW
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OH,T

ART UNIT

PAPER NUMBER

1623

7

DATE MAILED:

11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/275,941

Applicant(s)
Sato et al

Examiner
TAYLOR VICTOR OH

Group Art Unit
1623



☒ Responsive to communication(s) filed on Aug 23, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 4 is/are rejected.

☒ Claim(s) 2, 3, and 5-10 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Response to Amendment

The Status of Claims

Claims 1 and 4 have been rejected.

Claim Objections

1. The objection of Claims 2-3 and 5-10 has been maintained due to depending on the rejected Claim 1.

Claim Rejections-35 USC 103

2. Applicants' argument filed 8/23/2000 have been fully considered but they are not persuasive.

Rejection of claims 1 and 4 under 35 U.S.C. 103(a) as being unpatentable over Ahlheim et al (Makromol. Chem. 193(3), p.779-797).

The rejection of claims 1 and 4 under 35 U.S.C. 103(a) as being unpatentable over Ahlheim et al (Makromol. Chem. 193(3), p.779-797) is maintained for the reasons of the record in paper no. 4 .

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Response to Argument

3. The applicants argue that the claimed compound has to be a polymerizable compound which differs from the unpolymerizable 2-5 compounds of Ahlheim et al.

The applicants' view have been well taken, but these arguments are traversed.

The applicants' mere argument can not replace the factual evidence supported by the side-by-side comparison data of polymerizability between the 2-5 compounds of Ahlheim et al and the claimed compounds under the same conditions , which is to be presented as a form of Declaration or Affidavits . Until then, the rejection of the claims are maintained.

Conclusion

4. The Examiner is requesting the applicants to file Affidavits or Declarations under Rule 132. Until all the issues are resolved, the rejections of all the claims are maintained. Accordingly,

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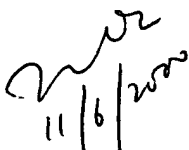
THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Victor Oh whose telephone number is (703) 305-0809. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Geist, can be reached on (703) 308-1701. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

T. Victor Oh



11/16/2009



GARY GEIST
SUPERVISORY PATENT EXAMINER
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